

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**NOTICE OF 30(b)(6) DEPOSITION OF THE
DEPARTMENT OF HUMAN SERVICES**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30 and 30(b)(6), Plaintiffs, by their undersigned attorneys, will take the deposition upon oral examination of the State of Mississippi, the Department of Human Services and the Division of Family and Children's Services.

The deposition will be conducted at the offices of Bradley, Arant, Rose & White LLP, 188 East Capitol Street, Suite 450, Jackson, Mississippi 39201 on April 28, 2005, at 8:30 a.m. before a certified court reporter duly authorized to administer oaths. The deposition will be stenographically recorded and videotaped. The deposition will commence on the date set forth above and will continue until complete as permitted by law and/or Court Order.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants are required to designate one or more officers, directors, agents, or other persons who consent to testify on their behalf on the matters described in Exhibit A attached hereto.

RESPECTFULLY SUBMITTED, this the 1st day of April, 2005.

/s Melody McAnally
W. Wayne Drinkwater, Jr. (MBN 6193)
Melody McAnally (MBN 101236)
BRADLEY ARANT ROSE & WHITE LLP
188 East Capitol Street, Suite 450
Jackson, MS 39201
Telephone: (601) 948-8000
Facsimile: (601) 948-3000

Stephen H. Leech (MBN 1173)
850 East River Place, Suite 300
Jackson, MS 39202
Telephone: (601) 355-4013

Marcia Robinson Lowry (MBN 43991 *pro hac vice*)
Eric E. Thompson (MBN 43993 *pro hac vice*)
Corene Kendrick (MBN 43989 *pro hac vice*)
CHILDREN'S RIGHTS
404 Park Avenue South, 11th Floor
New York, NY 10016
Telephone: (212) 683-2210

John F. Lang (MBN 43987 *pro hac vice*)
Christian D. Carbone (MBN 43986 *pro hac vice*)
Eric Manne (MBN 43988 *pro hac vice*)
LOEB & LOEB LLP
345 Park Ave.
New York, NY 10154
Telephone: (212) 407-4000

PLAINTIFFS' COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2005, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

<p>Betty A. Mallett, Esq. McGlinchey Stafford, PLLC 200 South Lamar Street, Suite 1100 Jackson, MS 39201</p> <p>Harold E. Pizzetta, III, Esq. Assistant Attorney General General Civil Division Carroll Gartin Justice Building 430 High Street Jackson, MS 39201</p> <p><i>Attorneys for Defendants</i></p>	
--	--

s/ Melody McAnally

EXHIBIT A

MATTERS ON WHICH TESTIMONY IS SOUGHT:

1. The organizational structure of the State Office of the Division of Family and Children's Services ("DFCS"), including, and not limited to:
 - a. The flow of responsibility and job duties from the Division Director to the Deputy and/or Bureau Director for Administration and the Deputy and/or Bureau Director for Programs;
 - b. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Division Director for Administration;
 - c. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Division Director for Prevention;
 - d. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Program Manager for MACWIS,
 - e. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the Division Director for Placement;
 - f. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the Division Director for Protection;
 - g. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the DHS-Social Services Regional Director.
2. The organizational structure and flow of responsibility and job duties at the State Office of DFCS, as it relates to the nine DFCS regions, including, and not limited to:

- a. The role of the Social Services Regional Director, if any, in mediating relationships between the DFCS Division Director and the nine DFCS Regional Directors;
- b. The scope of responsibility of the Social Services Regional Director, if any, in mediating relationships between the nine DFCS Regional Directors and the Division Directors for Protection, Placement, Administration, and Prevention;
- c. The lines of accountability and responsibility, if any, between each of the nine DFCS Regional Directors and the Division Directors for Protection, Placement, Administration, and Prevention;
- d. The lines of accountability and responsibility, if any, between the county Area Social Work Supervisors (“ASWSs”) and their respective Regional Directors;
- e. The scope of responsibility of the Division Director for Placement, if any, in working with any and all of the nine DFCS Regional Directors, as well as their respective ASWSs, in promoting permanency planning, independent living services, and adoptions services;
- f. The scope of responsibility of the Division Director for Protection and/or the Program Administrator for Training, if any, in working with any and all of the nine DFCS Regional Directors, as well as their respective ASWSs and/or caseworkers, in establishing regular ongoing training of staff;
- g. The relationship and flow of responsibility and accountability between Permanency Planning Specialists and caseworkers, ASWSs, Regional Directors, the Program Administrator for Adoption, the Permanency Planning Coordinator, and/or the Division Director for Placement;

- h. The scope of responsibility and role of the Director's Advisory Committee on Permanency Planning ("DACOPP") and/or the Permanency Planning Coordinator in the review of applications submitted by Regional Directors, ASWSs, and/or caseworkers for the termination of parental rights, and the transmittal of these applications to the Attorney General's Office;
 - i. The office(s), unit(s), bureau(s), divisions(s), agencies or personnel responsible for licensing and/or recruiting foster homes, adoptive homes, and residential child caring facilities;
 - j. The office(s), unit(s), bureau(s), divisions(s) or personnel responsible for supervising, monitoring, and evaluating the private agencies with which DFCS contracts for placement services for children;
 - k. The office(s), unit(s), bureau(s), divisions(s) or personnel responsible for Quality Assurance.
3. The policy and practice, including regional and/or county variations, regarding case assignments among caseworkers and/or their supervisors for cases requiring intake, investigation, prevention, preservation, placement, and/or adoption services.
4. The lines of responsibility and accountability for caseworkers and/or ASWSs to supervise children in DHS custody who are residing in the following placements:
- a. unlicensed facilities registered with the Mississippi Department of Health;¹
 - b. psychiatric institutions within the State of Mississippi;
 - c. institutions or foster homes outside the State of Mississippi;

¹ If placed there by the Youth Court, for example.

d. foster home, group home, residential treatment center, emergency shelter, and/or any other placement outside the child's county of origin.